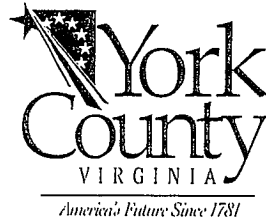


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August 5, 2009

Mr. Brian Almond  
1906 Lakeside Drive  
Yorktown, VA 23692

RE: York County CBPA Exception 09-186, Proposed Residence at 114 Harbor Crescent

Dear Mr. Almond:

On July 22, 2009, we received an application to the Chesapeake Bay Board and the \$250.00 filing fee for a proposed residence at 114 Harbor Crescent. Also submitted were a site development plan, water quality calculations, and a Residential RPA Buffer Encroachment Application. The County Ordinance provides for administrative encroachments into the RPA buffer down to fifty feet to build a principle structure on Pre-Bay Act lots to provide for reasonable buildable area. In order to construct the proposed house on this lot, the RPA buffer would be reduced to less than fifty feet, exceeding the scope of an administrative buffer encroachment. Therefore, this project will be passed to the Chesapeake Bay Board for review.

The next York County Chesapeake Bay Board public hearing is scheduled for 6:00 p.m. on Thursday, September 10, 2009. The hearing will be held in the East Room on the first floor of York Hall. York Hall is located at 301 Main Street, which is on the northeast corner of Main Street and Ballard Street in Yorktown's historical area.

Prior to forwarding this application to the Board, the following item concerning the application and site development plan must be satisfied:

1. All additional impervious area must be shown on the plan or it cannot be installed in the future. Any impervious area proposed in the future will require additional Board action.
  - Any proposed sidewalks must be shown on the site development plan and included in the impervious calculations. The construction drawings show a door on the north side of the garage. If there is going to be a sidewalk from the door to the driveway it needs to be shown. If there is going to be a sidewalk to the back of the house from the garage door it needs to be on the plan. Two 3-foot wide sidewalks to exterior doors in the buffer would be allowed.

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- Any proposed pads for HV/AC units and a generator must be shown on the site development plan and included in the impervious calculations.

Should the Board approve this exception the following revisions to the plan will be required:

- The vegetation note needs to be corrected. The tree and shrub types are to be selected from the CBLAD Riparian Buffers Modification & Mitigation Guidance Manual, Appendix A – Plant List.
- The mitigation has not been calculated correctly. Mitigation is required for all proposed impervious cover in the RPA and for all impervious area over 16% of the lot. There is 3,334 sq. ft. of proposed impervious cover in the RPA and the total proposed impervious of 4,185 sq. ft. is 1914 sq. ft. over 16%. Total mitigation is 5,248 sq. ft. The impervious calculations submitted subtracted out the previously existing impervious area that has been removed. This can only be done under Redevelopment which is the process of developing land that is or has been previously developed. Under Redevelopment the impervious area that is replacing the old existing impervious area must be the same square footage or smaller and cannot be any closer to the water or wetlands. Because this is an Exception the previously existing impervious area cannot be subtracted out of the mitigation required. County staff recommends that a bio-retention basin be installed to provide the mitigation for 5,248 sq. ft.
- A BMP maintenance Agreement must be executed and recorded to insure the future efficiency of the mitigation measures.
- Two Environmentally Sensitive Signs near the property lines at the 50 foot RPA must be posted and shown on the plan..

**Please submit 2 copies of the revised site development plan by August 17, 2009. The house corners and the 100 foot RPA must be staked by August 31, 2009.** A site visit by the Chesapeake Bay Board is scheduled for Wednesday afternoon on September 2, 2009. A site inspection schedule will be mailed to you on August 20, 2009 and will include the tentative time of the visit. If you have any questions, please contact me at 890-3758 as soon as possible.

Sincerely,



Kent Henkel  
Environmental Technician

Copy to: Anna Drake, Environmental Programs Manager  
Melinda Dunlap, Environmental Technician  
Nancy Miller, Chesapeake Bay Local Assistance Department  
Chesapeake Bay Board and File